

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

VANESSA SLINGER SNODGRASS,

Plaintiff,

v.

**CIVIL ACTION NO. 1:04CV228
(BROADWATER)**

**JO ANNE B. BARNHART,
Commissioner, Social Security
Administration,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge James E. Seibert, dated January 26, 2006,¹ and Plaintiff's objections thereto filed on January 24, 2006.² In accordance with 28 U.S.C. § 636(b)(1), the Court has conducted a *de novo* review.

The Court, after reviewing the above, is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby **ORDERED ADOPTED**. Plaintiff's objection to the Report and Recommendation is that the Magistrate did not adequately consider the asserted severity of Plaintiff's migraine headaches. Plaintiff argues that the severity of these headaches is demonstrated by various physicians administering anti-nausea drugs and narcotic pain relievers to

¹Document No. 13.

²Document No. 14.

the Plaintiff on a frequent basis. These headaches and the resulting treatment, the Plaintiff argues, would prevent her from working any job. Plaintiff raises no objection to the factual record set forth in the Magistrate's Report and Recommendation.

After review of the record and the Magistrate's Report and Recommendation the Court finds that the Magistrate adequately addressed the Plaintiff's condition. One of the central conclusions of the Magistrate's Report and Recommendation is that the Plaintiff's activities are inconsistent with debilitating migraine headaches. Specifically, Plaintiff indicates she is able to overcome the effects of her headaches to prevent her condition from interfering with her children's activities. Repeatedly throughout the record Plaintiff indicated that she drives her children to school, interacts with them, cooks, cleans, does laundry, shops, helps her children with homework and reads to them. The range of activities suggests that the Plaintiff's headaches are not debilitating. Furthermore, the record indicates that the Plaintiff's treating physicians began to question the validity of treating this patient with narcotic drugs. Together, these two elements of the record indicate that the Magistrate's Report and Recommendation adequately addressed the severity of Plaintiff's migraines, did address the evidence of medication administration, and did not misinterpret the Plaintiff's arguments.

The Court, therefore, **ORDERS** that Defendant's Motion for Summary Judgment³ be **GRANTED**. The Court **ORDERS** that Plaintiff's Motion for Summary Judgment⁴ be **DENIED**. It is further **ORDERED** that this action be **DISMISSED WITH PREJUDICE** based on the reasons set forth in the Magistrate Judge's Report and Recommendation, and **STRICKEN** from the active docket of this Court.


³Document No. 12.

⁴ Document No. 11.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the Plaintiff and all counsel of record herein.

DATED this 22nd day of March 2006.



W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE